

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	D'Amour, et al.
Int'l Appl. No.	:	PCT/US2004/043696
Int'l Filing Date	:	December 23, 2004
For	:	DEFINITIVE ENDODERM
Examiner	:	Unknown
Group Art Unit	:	Unknown

LETTER

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Regarding the Notice of Missing Requirements Under 35 U.S.C. 371 mailed November 9, 2006, please note that the supplemental fee request of \$130 Surcharge for a non-small entity and \$900 additional claim fee for a non-small entity is incorrect. The Applicant properly claimed Small Entity Status under 37 CFR 1.27 upon filing the application on June 23, 2006 (please see attached copy of the National Phase Utility Application Transmittal filed June 23, 2006). Additionally, the excess claims fee for 18 total claims over 20 has already been paid at the small entity rate (please again see attached National Phase Utility Application Transmittal along with the copy of the check provided on June 23, 2006). An itemization of fees paid on June 23, 2006 is as follows:

Int'l Appl. No. : PCT/US2004/043696
Int'l Filing Date : December 23, 2004

FEE CALCULATION				
FEE TYPE & DETERMINATION		SMALL FEE	CALCULATION	TOTAL
Basic Filing Fee under 1.492(a)		2631 (\$150)		\$150
Search Fee under 1.492(b) (enter one in TOTAL column)				\$200
(1) USPTO was ISA/IPEA & claims satisfy Art. 33 (1)-(4)	2640 (\$0)			
(2) USPTO was the ISA (noncompliant claims)	2641 (\$50)			
(3) Foreign Search Report Enclosed	2642 (\$200)			
(4) No Search Report Enclosed	2632 (\$250)			
Examination Fee under 1.492(c) (enter one in TOTAL column)				\$100
(1) USPTO was ISA/IPEA & claims satisfy Art. 33 (1)-(4)	2643 (\$0)			
(2) Non US IPEA or Noncompliant Claims	2633 (\$100)			
Excess Claims	38 - 20 = 18	2615 (\$25)	18 x 25 =	\$450
Excess Ind. Claims	2 - 3 = 0	2614 (\$100)	0 x 100 =	\$0
Application Size Fee	96 - 100 = 0	2681 (\$125)	0 x 125 =	\$0
			TOTAL FEE DUE	\$900
TOTAL FEE PAID (If Different Than Fee Due)				\$900

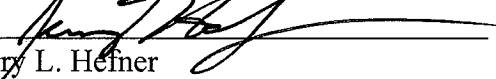
Accordingly, we do not believe that an additional \$900 fee for excess claims is necessary and thus, no such fee is included in this response. However, the surcharge amount of \$65 for a small entity will be paid via EFS web.

Applicants believe that a payment of \$65 is sufficient to complete the request for Missing Requirements, however, if it is deemed that such additional fees are necessary, please charge to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 9, 2007

By: 
Jerry L. Heiner
Registration No. 53,009
Attorney of Record
Customer No. 20,995
(619) 235-8550

3288799/LRR/010907

**NATIONAL PHASE
UTILITY APPLICATION**

**Transmittal to the (DO/EO/US)
Under 35 USC 371**

Attorney Docket No.: CYTHERA.045NP
First Named Inventor: D'Amour, Kevin A.
Int'l Application No.: PCT/US2004/043696
Int'l Filing Date: December 23, 2004
Priority Date Claimed: December 23, 2003
Title: DEFINITIVE ENDODERM
Express Mail Label No.: EV 465567683 US

Direct all correspondence to Customer No.: 46,273

Date: June 23, 2006

Page 1 of 2

Mail Stop PCT

United States Patent and Trademark Office
P.O. Box 1450
Alexandria VA 22313-1450

The following enclosures are transmitted herewith to be filed in the patent application of:

Inventors:

1. D'Amour, Kevin A.
2. Agulnick, Alan D.
3. Baetge, Emmanuel E.

APPLICATION ELEMENTS:

- (X) This is a FIRST submission of items concerning a filing under 35 U.S.C. § 371.
- (X) A copy of the International Application as filed (35 U.S.C. § 371(c)(2)) is attached hereto.
- (X) An English translation of the International Application as filed is not required.
- (X) Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3)) have not been and will not be made.

OTHER APPLICATION PARTS:

- (X) Preliminary Amendment in 8 pages.
- (X) Sequence Submission Statement in 1 page, and
 - (X) Sequence Listing on paper in 2 pages
 - (X) Sequence Listing in CRF.
- (X) International Search Report and Written Opinion from PCT/US2004/043696.
- (X) Response to Written Opinion deemed informal from PCT/US2004/043696.
- (X) International Publication No. WO 2005/063971 A2.
- (X) Return Prepaid Postcard.

NATIONAL PHASE UTILITY APPLICATION Transmittal to the (DO/EO/US) Under 35 USC 371	Attorney Docket No.: CYTHERA.045NP First Named Inventor: D'Amour, Kevin A. Int'l Application No.: PCT/US2004/043696 Int'l Filing Date: December 23, 2004 Priority Date Claimed: December 23, 2003 Title: DEFINITIVE ENDODERM Express Mail Label No.: EV 465567683 US
Direct all correspondence to Customer No.: 46,273	
Date: June 23, 2006 Page 2 of 2	

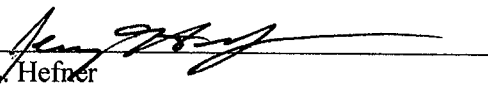
FILING FEES:

The present application qualifies for Small Entity Status under 37 CFR 1.27.

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			TOTAL FEE DUE	\$900
TOTAL FEE PAID (If Different Than Fee Due)				\$900

(X) A check in the amount of **\$900** to cover the Total Fee Due is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.


 Jerry L. Hefner
 Registration No. 53,009
 Attorney of Record
 Customer No. 46,273
 (619) 235-8550

NPHASE

2705488/LRR
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